

REMARKS/ARGUMENTS

This is a reply to the Final Office Action dated October 15, 2007.

Status of Claims

Claims 1-6 and 8-16 are currently pending in this application. Claim 7 has been canceled. Claims 1-6 and 8-16 are currently amended.

Support for the Amendments and Absence of New Issues

In the amendment, claims 1-6 and 8-16 delete the term “single use”. No other changes are made. The “single use” term was not present in the claims at the time of the first office action on the merits. Therefore, no new issue is raised by the amendment that would require further consideration and or search; and no new matter is introduced. Entry of this amendment also reduces issues for appeal.

Written Description Rejection

Claims 1-6 and 8-16 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Patent Office appears to take a stringent view on “where” the support must appear in the specification for the term “single use”. The applicants kindly disagree, as the present disclosure as a whole, in context, reveals and communicates what the applicants had in mind as their invention, and the previous set of claims including the “single use” term reflected that possession. As explained within the four corners of the present application as filed, the applicants have developed an antimicrobial wipe that readily releases a disinfectant or anti-microbial agent for limited and single use applications to prevent build-up of bacteria that otherwise tends to accumulate within a standing damp wipe.

In any event, applicants are retracting the term in question from the claims in the above amendment, and this rejection is now moot.

Indefiniteness Rejection

Claims 1-6 and 8-16 have been rejected under 35 USC § 112, second paragraph, for indefiniteness.

The Patent Office appears to suggest that the applicants' argument for distinguishing Radwanski et al. (U.S. Pat. No. 6,734,157) hinges on the fact the reference teaches multiple uses of the wipe, and the wipe of the present invention does not. The Patent Office further suggests that they structurally appear to be the same. According to the Patent Office, the applicants' claims do not recite any special abrasion resistance or what makes their composite any different than that shown in Radwanski et al. The Patent Office questions: "How does a skilled artisan quantify this?", and requests that the applicants clarify. The applicants respectfully traverse this rejection for the following reasons.

The appropriate test for definiteness under 35 U.S.C. § 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986)(citations omitted). Further, a claim may be invalid for indefiniteness if it is "insolubly ambiguous" and not "amenable to construction." *Exxon Research & Eng'g Co. v. United States*, 265 F.3d 1371, 1375, 60 USPQ2d 1272, 1276 (Fed. Cir. 2001). It also deserves mentioning that breadth *per se* is not indefiniteness. *In re Robins*, 166 USPQ 552 (CCPA 1970).

The present claims, when read in light of the specification, clearly recite definite and discernible boundaries of the patent protection being sought that would be understood by those skilled in the art. In fact, the present claims are readily amenable to construction and are not "insolubly ambiguous."

In this regard, the applicants *have* recited in their claims at least one clear-cut distinction from Radwanski et al. — ... a nonwoven anti-microbial wipe comprising a readily releasable anti-microbial agent wherein a fibrous nonwoven substrate is treated with an **anionic** binder and an **anionic** anti-microbial agent. See claim 1, and comparable language is recited in claim 4.

As previously explained in the record, the presently claimed invention is related to a nonwoven substrate comprised of *anionic binder* or a combination of an *anionic* and non-ionic binder, as well as an *anionic anti-microbial agent* that is readily released upon being introduced to a water source. The *anionic* anti-microbial agent is selected from *anionic* dual quaternary

ammonia anti-microbial agent, *anionic* potassium iodide, and *anionic* sodium hypochloride. Significantly, the inventive wipe as comprised of an anionic binder or an anionic/non-ionic binder mixture has little or no affinity for an anionic disinfecting solution, and any bonds formed between the binder and disinfectant are easily broken. The resulting wipe, therefore, more readily releases the disinfectant into a water source and will not attract and retain a charged disinfectant that could possibly prematurely deplete the effectiveness of a sanitizing solution.

By contrast, Radwanski et al. generally refer to “soluble binders” as used to “modulate the controlled release properties of the anti-microbial agent” (col. 3, lines 55-58), but does not state the binder is anionic. There are no facts made of record showing that any binder materials disclosed by Radwanski et al. are inevitably anionic. Radwanski et al. also generally refer to quaternary amines but does not state that they are anionic in polarity (col. 3, lines 38-39, col. 8, lines 1-2). The applicants point out that the polarity of quaternary amines can vary between anionic or cationic types thereof, as understood by those skilled in the art. Further, conceptually, Radwanski et al. do not reveal any recognition of the possible importance of selecting the polarity of any binder relative to that property of any antimicrobial agent used in the wipe. Indeed, if they had, for sake of argument only (e.g., if they had been exposed to the insights of the present application), they presumably would have picked *opposite* polarities for the binder and antimicrobial agent consistent with their stated objective of providing *controlled release* of antimicrobial agent after *repeated* washing and rinsing operations. Again, the presently claimed wipe includes a selection and combination of materials configured to readily release disinfectant.

As can be appreciated from the above, the applicants should not need to quantify special abrasion resistance or some other proposed parameter because the present claims already define one or more concrete material and structural distinction(s) with respect to Radwanski et al.

In view of at least the above reasons, the applicants submit that the present claims particularly point out and distinctly claim the subject matter which the applicants regard as their invention, and this rejection should be withdrawn.

Reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that this application is in condition for allowance, and notice of such is respectfully requested.

U.S. Patent Application No. 10/762,945
Amendment After Final Rejection
Reply to Final Office Action dated October 15, 2007

If the Examiner believes that a teleconference would be useful in expediting the prosecution of this application, the official is kindly invited to contact the applicants' representative of record indicated below.

Respectfully submitted,

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